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HOUSE BILL 354

**46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004**

INTRODUCED BY  
Irvin Harrison

AN ACT

RELATING TO PUBLIC EMPLOYEE RETIREMENT; CREATING A NEW  
RETIREMENT PLAN FOR E-911 TELECOMMUNICATORS; AMENDING AND  
ENACTING CERTAIN SECTIONS OF THE PUBLIC EMPLOYEES RETIREMENT  
ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 10-11-2 NMSA 1978 (being Laws 1987,  
Chapter 253, Section 2, as amended) is amended to read:

"10-11-2. DEFINITIONS.--As used in the Public Employees  
Retirement Act:

A. "accumulated member contributions" means the  
amounts deducted from the salary of a member and credited to  
the member's individual account, together with interest, if  
any, credited to that account;

B. "affiliated public employer" means the state and

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1 any public employer affiliated with the association as provided  
2 in the Public Employees Retirement Act, but does not include an  
3 employer pursuant to the Magistrate Retirement Act, the  
4 Judicial Retirement Act or the Educational Retirement Act;

5 C. "association" means the public employees  
6 retirement association established under the Public Employees  
7 Retirement Act;

8 D. "disability retired member" means a retired  
9 member who is receiving a pension pursuant to the disability  
10 retirement provisions of the Public Employees Retirement Act;

11 E. "disability retirement pension" means the  
12 pension paid pursuant to the disability retirement provisions  
13 of the Public Employees Retirement Act;

14 F. "educational retirement system" means that  
15 retirement system provided for in the Educational Retirement  
16 Act;

17 G. "employee" means any employee of an affiliated  
18 public employer;

19 H. "federal social security program" means that  
20 program or those programs created and administered pursuant to  
21 the act of congress approved August 14, 1935, Chapter 531, 49  
22 Stat. 620, as that act may be amended;

23 I. "final average salary" means the final average  
24 salary calculated in accordance with the provisions of the  
25 applicable coverage plan;

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1 J. "form of payment" means the applicable form of  
2 payment of a pension provided for in Section 10-11-117 NMSA  
3 1978;

4 K. "former member" means a person who was  
5 previously employed by an affiliated public employer, who has  
6 terminated that employment and who has received a refund of  
7 member contributions;

8 L. "fund" means the funds included under the Public  
9 Employees Retirement Act;

10 M. "member" means a currently employed,  
11 contributing employee of an affiliated public employer, or a  
12 person who has been but is not currently employed by an  
13 affiliated public employer, who has not retired and who has not  
14 received a refund of member contributions; "member" also  
15 includes the following:

16 (1) "adult correctional officer member" means  
17 a member who is an adult correctional officer or an adult  
18 correctional officer specialist employed by a correctional  
19 facility of the corrections department or its successor agency;

20 (2) "E-911 telecommunicator member" means a  
21 member who is employed full time by an affiliated public  
22 employer as a person responsible for receiving 911 service  
23 calls and directly dispatching emergency response services or  
24 relaying calls to the appropriate public or private safety  
25 agency;

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1                    [~~(2)~~] (3) "hazardous duty member" means a  
2 member who is a juvenile correctional officer employed by the  
3 children, youth and families department or its successor  
4 agency;

5                    [~~(3)~~] (4) "municipal detention officer member"  
6 means a member who is employed by an affiliated public employer  
7 other than the state and who has inmate custodial  
8 responsibilities at a facility used for the confinement of  
9 persons charged with or convicted of a violation of a law or  
10 ordinance;

11                    [~~(4)~~] (5) "municipal fire member" means any  
12 member who is employed as a full-time nonvolunteer firefighter  
13 by an affiliated public employer and who has taken the oath  
14 prescribed for firefighters;

15                    [~~(5)~~] (6) "municipal police member" means any  
16 member who is employed as a police officer by an affiliated  
17 public employer, other than the state, and who has taken the  
18 oath prescribed for police officers; and

19                    [~~(6)~~] (7) "state police member" means any  
20 member who is an officer of the New Mexico state police and who  
21 has taken the oath prescribed for such officers;

22                    N. "membership" means membership in the  
23 association;

24                    O. "pension" means a series of monthly payments to  
25 a retired member or survivor beneficiary as provided in the

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1 Public Employees Retirement Act;

2 P. "public employer" means the state, any  
3 municipality, city, county, metropolitan arroyo flood control  
4 authority, economic development district, regional housing  
5 authority, soil and water conservation district, entity created  
6 pursuant to a joint powers agreement, council of government,  
7 conservancy district, water and sanitation district, water  
8 district and metropolitan water board, including the boards,  
9 departments, bureaus and agencies of a public employer, so long  
10 as these entities fall within the meaning of governmental plan  
11 as that term is used in Section 414(d) of the Internal Revenue  
12 Code of 1986, as amended;

13 Q. "refund beneficiary" means a person designated  
14 by the member, in writing, in the form prescribed by the  
15 association, as the person who would be refunded the member's  
16 accumulated member contributions payable if the member dies and  
17 no survivor pension is payable or who would receive the  
18 difference between pension paid and accumulated member  
19 contributions if the retired member dies before receiving in  
20 pension payments the amount of the accumulated member  
21 contributions;

22 R. "retire" means to:

23 (1) terminate employment with all employers  
24 covered by any state system or the educational retirement  
25 system; and

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1 (2) receive a pension from a state system or  
2 the educational retirement system;

3 S. "retired member" means a person who has met all  
4 requirements for retirement and who is receiving a pension from  
5 the fund;

6 T. "retirement board" means the retirement board  
7 provided for in the Public Employees Retirement Act;

8 U. "salary" means the base salary or wages paid a  
9 member, including longevity pay, for personal services rendered  
10 an affiliated public employer. "Salary" shall not include  
11 overtime pay, allowances for housing, clothing, equipment or  
12 travel, payments for unused sick leave, unless the unused sick  
13 leave payment is made through continuation of the member on the  
14 regular payroll for the period represented by that payment, and  
15 any other form of remuneration not specifically designated by  
16 law as included in salary for Public Employees Retirement Act  
17 purposes. Salary in excess of the limitations set forth in  
18 Section 401(a) (17) of the Internal Revenue Code of 1986, as  
19 amended, shall be disregarded. The limitation on compensation  
20 for eligible employees shall not be less than the amount that  
21 was allowed to be taken into account under the state retirement  
22 system acts in effect on July 1, 1993. For purposes of this  
23 subsection, "eligible employee" means an individual who was a  
24 member of a state system before the first plan year beginning  
25 after December 31, 1995;

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1           V. "state system" means the retirement programs  
2 provided for in the Public Employees Retirement Act, the  
3 Magistrate Retirement Act and the Judicial Retirement Act;

4           W. "state retirement system acts" means  
5 collectively the Public Employees Retirement Act, the  
6 Magistrate Retirement Act, the Judicial Retirement Act and the  
7 Volunteer Firefighters Retirement Act; and

8           X. "survivor beneficiary" means a person who  
9 receives a pension or who has been designated to be paid a  
10 pension as a result of the death of a member or retired  
11 member."

12           Section 2. A new section of the Public Employees  
13 Retirement Act is enacted to read:

14           "[NEW MATERIAL] E-911 TELECOMMUNICATOR MEMBER COVERAGE  
15 PLAN 1--APPLICABILITY.--E-911 telecommunicator member coverage  
16 plan 1 is applicable to E-911 telecommunicator members on the  
17 later of July 1, 2005 or the first day of the calendar month  
18 following certification of the election adopting E-911  
19 telecommunicator member coverage plan 1 by an affirmative vote  
20 of the majority of the affiliated public employer's E-911  
21 telecommunicator members. The election shall be conducted by  
22 the affiliated public employer. The certification shall be in  
23 the form prescribed by the retirement board. The election  
24 procedures shall afford all E-911 telecommunicator members of  
25 the affiliated public employer an opportunity to vote. An

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1 election adopting E-911 telecommunicator member coverage plan 1  
2 for a given affiliated public employer is irrevocable for the  
3 purpose of subsequently adopting a coverage plan that would  
4 decrease employer or employee contributions with respect to all  
5 current and future E-911 telecommunicator members of that  
6 affiliated public employer."

7 Section 3. A new section of the Public Employees  
8 Retirement Act is enacted to read:

9 "[NEW MATERIAL] E-911 TELECOMMUNICATOR MEMBER COVERAGE  
10 PLAN 1--AGE AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT--  
11 CALCULATION OF CREDITED SERVICE.--

12 A. Under E-911 telecommunicator member coverage  
13 plan 1, the age and service requirements for normal retirement  
14 are:

15 (1) age sixty-five years or older and five or  
16 more years of credited service;

17 (2) age sixty-four years and eight or more  
18 years of credited service;

19 (3) age sixty-three years and eleven or more  
20 years of credited service;

21 (4) age sixty-two years and fourteen or more  
22 years of credited service;

23 (5) age sixty-one years and seventeen or more  
24 years of credited service;

25 (6) age sixty years and twenty or more years

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1 of credited service; or

2 (7) any age and twenty-five or more years of  
3 credited service.

4 B. In calculating credited service for the purposes  
5 of determining retirement eligibility and amount of pension,  
6 the credited service of an E-911 telecommunicator member shall  
7 have actual credited service increased by twenty percent for  
8 the purposes of E-911 telecommunicator member coverage plan 1."

9 Section 4. A new section of the Public Employees  
10 Retirement Act is enacted to read:

11 "[NEW MATERIAL] E-911 TELECOMMUNICATOR MEMBER COVERAGE  
12 PLAN 1--AMOUNT OF PENSION--FORM OF PAYMENT A.--Under E-911  
13 telecommunicator member coverage plan 1, the amount of pension  
14 under form of payment A is equal to three percent of the final  
15 average salary multiplied by credited service. The amount  
16 shall not exceed eighty percent of the final average salary."

17 Section 5. A new section of the Public Employees  
18 Retirement Act is enacted to read:

19 "[NEW MATERIAL] E-911 TELECOMMUNICATOR MEMBER COVERAGE  
20 PLAN 1--FINAL AVERAGE SALARY.--Under E-911 telecommunicator  
21 member coverage plan 1, the final average salary is one  
22 thirty-sixth of the greatest aggregate amount of salary paid a  
23 member for thirty-six consecutive months of credited service."

24 Section 6. A new section of the Public Employees  
25 Retirement Act is enacted to read:

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1           "[NEW MATERIAL] E-911 TELECOMMUNICATOR MEMBER COVERAGE  
2 PLAN 1--MEMBER CONTRIBUTION RATE.--A member under E-911  
3 telecommunicator member coverage plan 1 shall contribute  
4 sixteen and sixty-five hundredths percent of salary starting  
5 with the first full pay period that ends within the calendar  
6 month in which E-911 telecommunicator member coverage plan 1  
7 becomes applicable to the member."

8           Section 7. A new section of the Public Employees  
9 Retirement Act is enacted to read:

10           "[NEW MATERIAL] E-911 TELECOMMUNICATOR MEMBER COVERAGE  
11 PLAN 1--EMPLOYER CONTRIBUTION RATE.--The affiliated public  
12 employer shall contribute sixteen and sixty-five hundredths  
13 percent of the salary of each member under E-911  
14 telecommunicator member coverage plan 1 starting with the first  
15 pay period that ends within the calendar month in which E-911  
16 telecommunicator member coverage plan 1 becomes applicable to  
17 the member."

18           Section 8. A new section of the Public Employees  
19 Retirement Act is enacted to read:

20           "[NEW MATERIAL] E-911 TELECOMMUNICATOR MEMBER COVERAGE  
21 PLAN 1--SERVICE CREDIT REQUIRED FOR E-911 TELECOMMUNICATOR  
22 MEMBERS.--Notwithstanding other provisions of the Public  
23 Employees Retirement Act, to qualify for retirement pursuant to  
24 E-911 telecommunicator member coverage plan 1, an E-911  
25 telecommunicator member shall have eighteen months of service

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credit earned under that coverage plan."

Section 9. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2004.

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